

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.5695 OF 1985

For Approval and Signature

The Hon'ble Mr. Justice S.K. KESHOTE

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1. Whether reporters of local papers may be allowed to see the judgment ?
  2. To be referred to the reporters or not ?
  3. Whether their lordships wish to see the fair copy of the judgment ?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
  5. Whether it is to be circulated to the Civil Judge?

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DR. B.A. ACHARYA

VERSUS

THE STATE OF GUJARAT & ORS.

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Appearance:

MR SHIRISH JOSHI for the Petitioner

MR HL JANI for the Respondents

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Coram: S.K. Keshote,J

Date of decision:9.5.97

C.A.V. JUDGMENT

The learned counsel for the petitioner has restricted the grievance in this Special Civil

Application only to the part of prayer made in clause (b) of para 25 of the petition, i.e. regarding grant of two advance increments to the petitioner as per the Gujarat Civil Services (Revision of Pay) Rules, 1975, (hereinafter referred to as 'Rules 1975') from the date the petitioner acquired Diploma in Paediatrics in the year 1969. Rest of the prayers made in the Special Civil Application have not been pressed.

2. The learned counsel for the petitioner contended that as per Rules 1975, a medical personnel holding post graduate degree or diploma could start with three or two advance increments. These benefits have been extended to the holders of the post of junior lecturers, which post the petitioner is holding. The learned counsel for the respondents very fairly submitted that the petitioner may make a representation in this respect to respondent No.1 and the same may be considered on merits, and in case the petitioner is found entitled for two advance grade increments under the rules for acquiring the aforesaid qualification or diploma in the speciality aforesaid, all the consequential benefits shall be extended to him.

3. In view of this statement made by the learned counsel for the respondents, this petition is disposed of in terms that the petitioner, regarding this grievance, may make a representation to the respondent No.1, i.e. the Secretary, Health & Family Welfare Department, Government of Gujarat, at Gandhinagar, within a period of one month from the date of receipt of certified copy of this order and the respondent No.1 shall decide the same within a period of two months from the date of receipt thereof. In case the claim of the petitioner is found favour of respondent No.1, then the petitioner shall be entitled for all consequential benefits. In case, the grievance of the petitioner is not found tenable, a reasoned order may be passed and a copy of the same may be sent to the petitioner by registered post. Rule stands disposed of in aforesaid terms with no order as to costs.

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